



US Army Corps
of Engineers.

Nashville District

Public Notice

Public Notice No. 08-76

Date: November 19, 2008

Application No. 4958200

Expires: December 19, 2008

Please address all comments to:
Nashville District Corps of Engineers, Regulatory Branch
3701 Bell Road, Nashville, TN 37214
Attn: Floyd M. Carnes

JOINT PUBLIC NOTICE

US ARMY CORPS OF ENGINEERS

AND

TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Excavation for Boat Access at Yellow Creek Mile 2.0, Left Bank, Tennessee River Mile 215.0, Left Bank, Pickwick Lake, Tishomingo County, Mississippi

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army Permit pursuant to **Section 10 of the Rivers and Harbors Act of 1899** and a Tennessee Valley Authority (TVA) permit pursuant to **Section 26a of the TVA Act**. The deposit of fill material associated with return water from the contained disposal area described in this application is subject to Section 404 of the Clean Water Act and meets the criteria for authorization under Nationwide Permit (NWP) #16. The Alabama Department of Environment and Conservation issued a categorical water quality certification for NWP #16 activities, on May 30, 2007.

APPLICANT: Aqua Yacht Harbor Marina
3832 Highway 25
Iuka, Mississippi 38852

LOCATION: Yellow Creek Mile 2.0, Left Bank, Tennessee River Mile 215.0, Left Bank, Pickwick Lake, Tishomingo County, Mississippi
USGS Yellow Creek, MISS Quadrangle Longitude: 88-14-59.3;
Latitude: 34-59-30.4

BACKGROUND: The facility has been previously authorized to excavate the harbor in February 1987, the permit expired in 1990. The work was completed in 1988. The applicant is proposing excavation which would allow adequate water depths for larger boats to access the existing boat lift at the marina.

DESCRIPTION: The proposed work consists of excavating approximately 2200 cubic yards of material from Pickwick Lake for boat access. The length of the excavation would be approximately 329' long and the width would be approximately 210' wide. A 10' buffer would be maintained between the excavation and shoreline. The toe of the excavation would be at Elevation 402.0. Elevation 414.0 is the normal summer pool elevation for Pickwick Lake. The material would be removed by track hoe which would be on a barge. The excavated material would be placed on the barge and allowed to dewater, afterwards the material would be placed into trucks and hauled to an off-site disposal location where it would be deposited and stabilized above Elevation 580.0.

The excavation would allow adequate water depths for larger boats to access the existing boat lift at the marina.

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are

also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

The National Register of Historic Places has been consulted and no properties listed in or eligible for the National Register are known which would be affected by the proposed work. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Based on available information, the proposed work will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination and initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals may be required for the proposed work.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

Written statements received in this office on or before **December 19, 2008**, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: Floyd M. Carnes, at the above address, telephone (615) 369-7503. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Mr. William McCann, Manager, Pickwick Lake Reservation, PO Box 1010, Muscle Shoals, Alabama 35662

If you received this notice by mail and wish to view all of the diagrams, visit our web site at:
<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mr. Carnes at the above address or phone number.

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EXHIBIT A

USGS TOPOGRAPHICAL MAP

PICKWICK, TENN-ALA

DISPOSAL SITE

HARDIN CO
TISHOMINGO CO

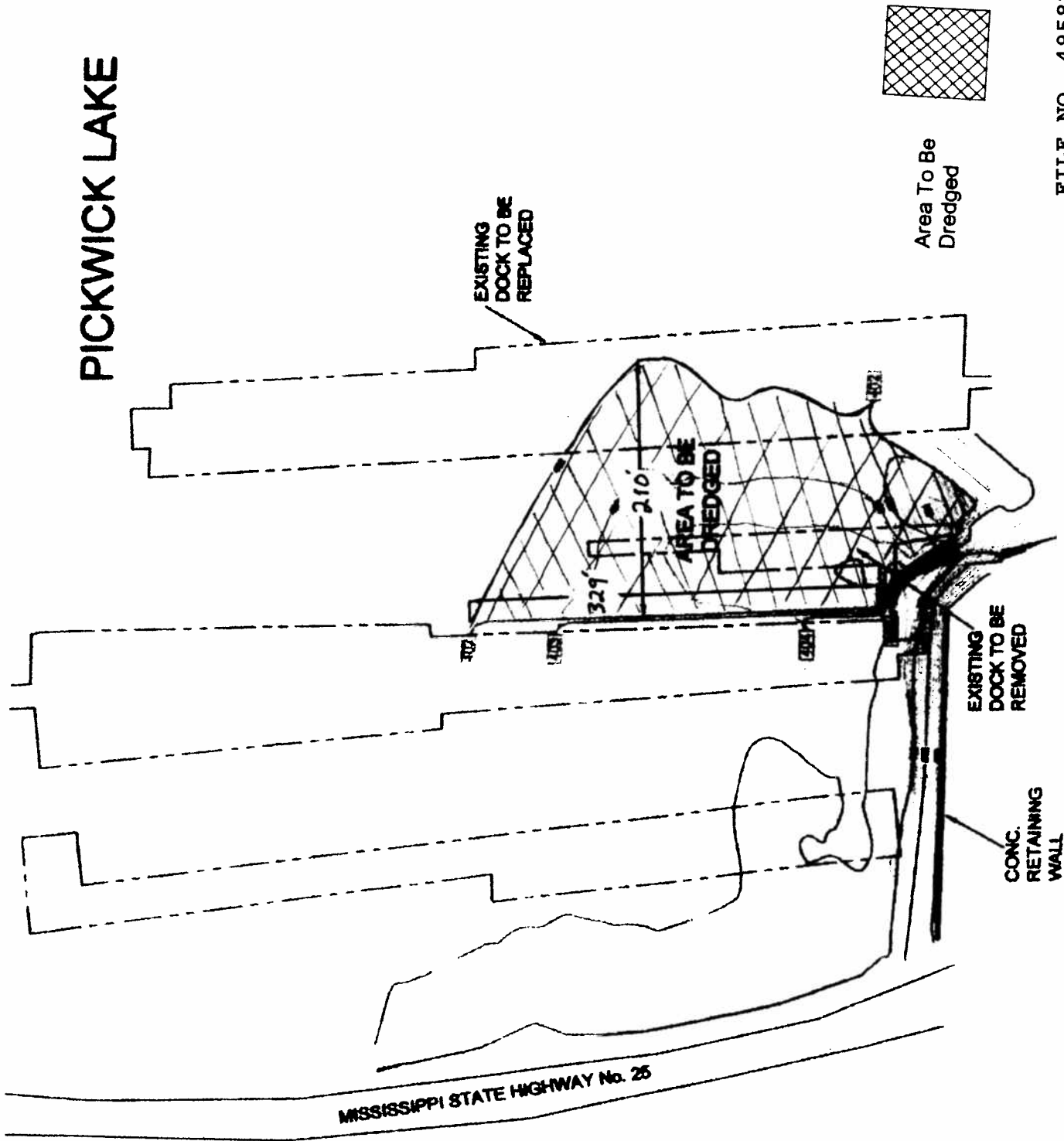
TENNESSEE
MISSISSIPPI

PROJECT LOCATION

USGS TOPOGRAPHICAL MAP

YELLOW CREEK, MISS-TENN-ALA

PICKWICK LAKE



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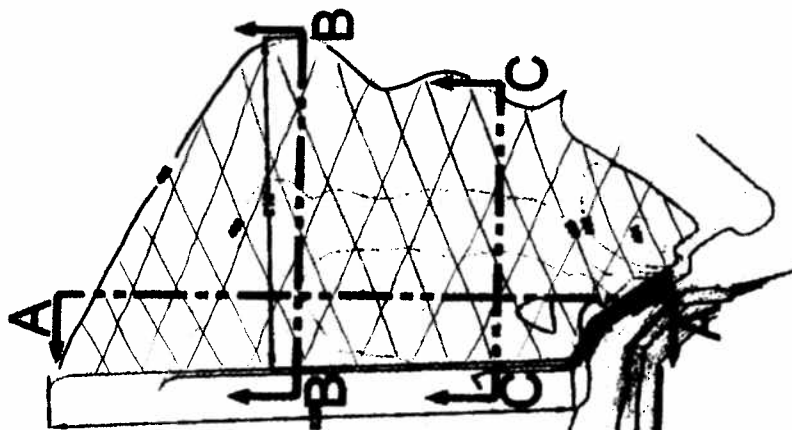
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EXHIBIT B

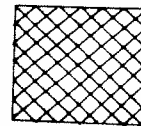
SITE PLAN

PICKWICK LAKE

MISSISSIPPI STATE HIGHWAY No. 25



Area To Be
Dredged

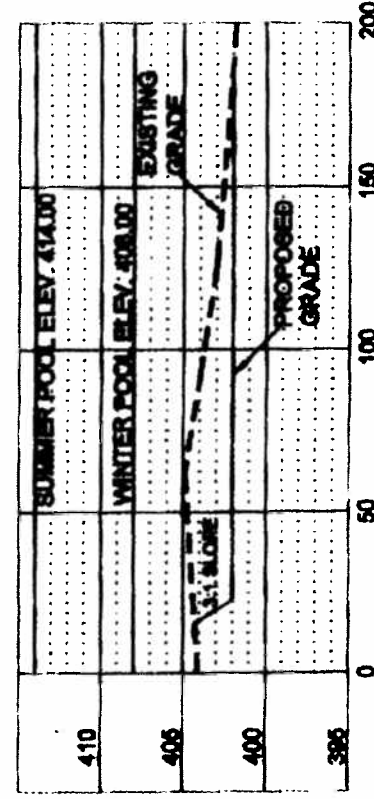
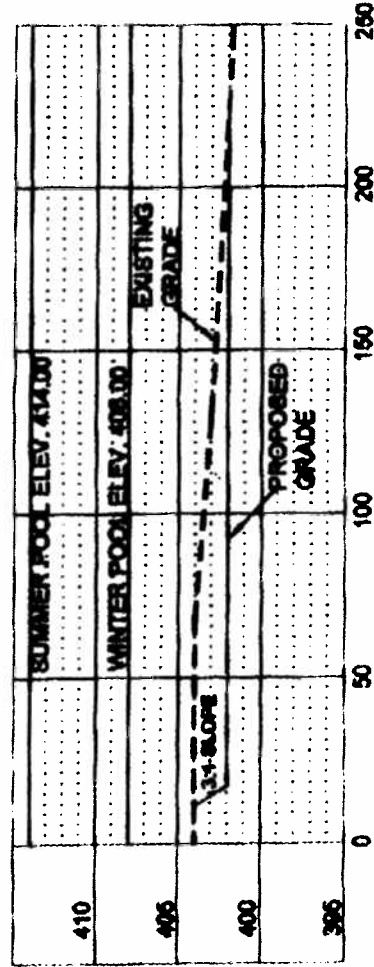
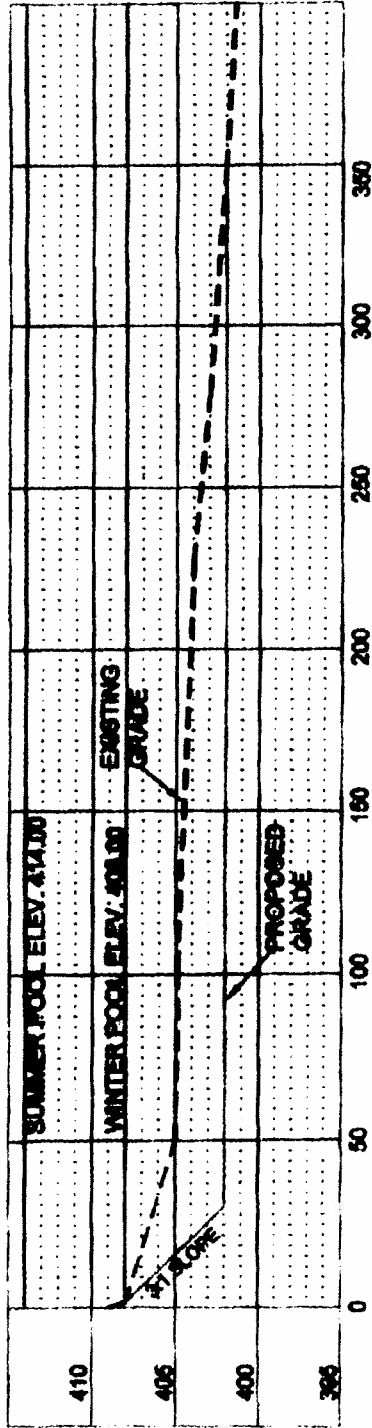


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EXHIBIT C

CROSS SECTION PLAN



FILE NO. 4958200

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EXHIBIT D

CROSS SECTION PLAN